

REQUEST FOR FILING
(RULE 53(b)(1))

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00909

Group Art Unit: 3761

Examiner: A. Lewis

Atty. Dkt.	P 282771	P020US5
	New M#	Client Ref

This Appln. Filed: December 6, 2001

Title: NASAL MASK CUSHION ASSEMBLY (as Amended)

Date: December 6, 2001
(Parent Matter No. 270883)

1A

To effect the above-requested filing today:

1. **Attached** is a copy (which must be filed) of the prior application, including:

- ☒ Abstract
☒ Specification and claims (12 pages) (**must be attached**)
☒ Drawings (**must be attached if originally filed**): 2 sheet(s)/set: ☐ 1 set informal;
☒ Formal of size ☒ A4 ☐ 11"

1A Always X one box, only:

- ☒ Copy of Signed declaration or oath as originally filed in prior application attached
☐ NO declaration or fee is enclosed; therefore, this is a filing under Rule 53(f).

2. ☐ This application is hereby filed by less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are not inventor(s) of the invention being claimed in this application (DELETE THE FOLLOWING INVENTOR(S)):

1. _____
 3. _____
 5. _____
 7. _____
 2. _____
 4. _____
 6. _____
 8. _____

2.5 THE INVENTOR(S) FOR THIS NEW APPLICATION IS(ARE):

1.

3.

5.

7.

2.

4.

6.

8.

3. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference thereto.

4. ☒ Priority is claimed under 35 U.S.C. 119/365 based on filing in Australia of (country)

	Application No.	Filing Date		Application No.	Filing Date
(1)	PO1265	07/26/1996	(2)		
(3)			(4)		
(5)			(6)		

a. ☐ (No.) Certified copy/copies attached.
b. ☒ Certified copy/copies previously filed on 10/29/97 in U.S. Application No. 08/791,212, filed on 1/31/1997.

c. ☐ Certified copy/copies filed during International stage of PCT/ /
4(a). (a) ☐ Domestic priority is claimed from PCT/ /, filed /
(b) ☐ Benefit is claimed of Provisional Application No. 60/, filed /.

5. ☒ Assignee (optional) ResMed Limited

6. ☒ Attached is the following number of Assignments (including original and all later successive ones by different assignors): 1 and respective new Cover Sheets. (Do **NOT** file old cover sheets.)

(Assignments in parent **must be refiled** with new Cover Sheets in this continuing application if you want it/them recorded against the continuing application.)

Please return the recorded Assignment to the undersigned.

7. ☒ The power of attorney in the prior application is to Glenn J. Perry, Reg. No. 28,458

(Name and Reg. No.)
whose current address is as in item 8 below.

a. ☒ Recognize as associate attorney Paul T. Bowen, Reg. No. 38009 whose current address is as in item 8 below.
(Name, Reg. No. and Address)

8. **Address all future communications to Intellectual Property Group of Pillsbury Winthrop LLP, 1600 Tysons Boulevard, McLean, VA 22102**

9. This application claims benefit of the following prior US application(s), the contents of which are incorporated into this application by this reference:

No.	08/	791,212	filed	1/31/1997 now U.S. Pat. 6,112,746
No.	09/	566,806	filed	5/8/2000
No.	/		filed	
No. PCT/	/		filed	

designated the U.S. and that International Application ☐ was ☐ was not published under PCT Article 21(2) in English

9(a). ☒ See the attached Preliminary Amendment, which amends the first page of the specification to claim benefit of the above listed US application(s)

10. **Small Entity Status** → ☒ is Not claimed ☐ is claimed (**pre-filing confirmation required**)

(No.) Small Entity Statement(s) (not essential since 9/8/00) were/are:
☐ filed in above prior application
☐ attached.

11. Petition to extend the life of the above prior application to at least the date hereof
(one box) ☐ is being concurrently filed in that prior application (Use Form PAT-111).
(must be) ☐ was previously filed in that prior application (Check length of prior extension).
(X'd) ☐ is not necessary for copendency (**Double check** before X'ing this box).

12. ☒ **INFORMATION DISCLOSURE STATEMENT:** Attached is Form PTO-1449 listing all of the documents cited by Applicant and the PTO in the parent application(s) relied upon under 35 USC 120 and referenced in item 9 above. Per Rule 98(d) copies of those documents are not required now. Please consider those documents and advise that they have been considered in this new application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609.
13. ☐ Attached is a Rule 103(a) Petition to Suspend Action.
14. ☒ **Please see** the attached Preliminary Amendment which reduces the number of claims for purposes of reducing the initial filing fee.

Cancel claims 2-23.

FILING FEE

THE FOLLOWING FILING FEE IS BASED ON

->->->CLAIMS AS FILED AND CHANGED BY PRELIMINARY AMENDMENT IN ITEM 14<-<-<-<-

NOTE: If box 1A2 is X'd, do not pay fees, but leave lines 15-22 and 27-32 blank.

				Large/Small Entity		Fee Code
15. Basic Filing Fee Design Application				\$330/\$165		106/26
16. Basic Filing Fee Utility Application				\$740/\$370	+740	101/201
17. Total Effective Claims	1	minus 20 =	0	x \$18/\$9	+0	103/203
18. Independent Claims	1	minus 3 =	0	x \$84/\$42	+0	102/202
19. If any proper multiple dependent claim (ignore improper) is present,				\$280/\$140	+0	104/204
20. Subtotal =					\$740	
21. If "petition" box 13 above is X'd, add petition fee. \$130					+0	122
21A. If box 6 above is X'd, add Assignment recording fee \$ 40					+40	581

22. TOTAL FILING FEE ATTACHED = **\$780**
(carry forward to Item 31)

23. ☐ ATTACHED:
24. ☒ See the attached Preliminary Amendment
25. ☐ See NONPUBLICATION REQUEST under Rule 213(a) attached (Pat-258)

26.

**ADDITIONAL FEE CALCULATION FOR
PRELIMINARY AMENDMENT
PER BOXES 24/25**

	Claims remaining after amendment	Highest number previously paid for	Present Extra		Large/Small Entity	Additional Fee	File Code
27.	Total Effective Claims	*8	minus **	20	= 0 x \$18/\$9 =	\$ 0	(103/203)
28.	Independent Claims	*8	minus ***	3	= 5 x \$84/\$42 =	+ 420	(102/202)
29.	If amendment enters proper multiple dependent claim(s) into this application for the first time, add (per application)					\$280/\$140 + 0	(104/204)
30.						ADDITIONAL FEE \$ 420	
31.						plus FEE from item 22 on page 3 + 780	
32.						TOTAL FEE ATTACHED \$ 1200	

33. *If the entry in this space is less than a entry in the next space, the "Present Extra" result is "0"

34. **If the "Highest number previously paid for" (see item 17 above) is less than 20, write "20" in this space

35. If the "Highest number previously paid for" (see item 18 above) is less than 3, write "3" in this space



Our Deposit Account No. 03-3975

Our Order No. 74066

C#

282771

M#

CHARGE STATEMENT: Upon the filing of a Declaration pursuant to Rule 60(b) or 60(d), the Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

**Pillsbury Winthrop LLP
Intellectual Property Group**

By Atty: Paul T. Bowen

Reg. No. 38009

Sig:

Fax: (703) 905-2500

Tel: (703) 905-2020

Atty./Sec PTB/dlh

NOTE No. 1: File this Request in duplicate with 2 postcard receipts (PAT-103) & attachments

NOTE No. 2: Is extension in parent necessary for copendency? **DOUBLE CHECK** Item 11 above.

If yes, printout Pat-111 and head it in parent.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

Group Art Unit: 3761

KWOK et al.

Examiner: Aaron J. Lewis

Divisional of Appln. No.: 09/566,806

Filed: December 6, 2001

FOR: NASAL MASK CUSHION ASSEMBLY (As Amended)

LETTER TO OFFICIAL DRAFTSPERSON

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Date: December 6, 2001

Sir:

Attached hereto are formal Figs. 1-9. Figs. 1-4 have been amended as approved by Examiner Lewis in U.S. Application Serial No. 08/791,212, now U.S. Patent No. 6,112,746. Further, new Figs. 5-9 were approved by Examiner Lewis in the parent application/patent.

Entry of the formal drawings is respectfully requested.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By



Paul T. Bowen
Registration No. 38,009
Tel. No.: 703.905.2020
Fax No.: 703.905.2500

PTB/dlh

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